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Linda McCulloch
Superintendent

July 14, 2008

Honorable Margaret Spellings
U.S. Secretary of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Secretary Spellings:

This letter is to request an approval of flexibility under Section 9401 of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act. Our proposal is to permit the State of Montana, given its uniquely rural character, to apply on a statewide basis the flexibility extended by the Secretary of Education's letter of March 31, 2004, to school districts eligible under the Small Rural School Achievement (SRSA) program on a nation-wide basis. Under that letter, school districts eligible under the SRSA program are permitted to give newly hired secondary school teachers who are highly qualified in one core academic subject that they teach up to three years to become highly qualified in each of the other core academic subjects they teach. Our proposed application of this flexibility under Section 9401 would do no more than extend this identical policy to the relatively small number of Montana districts (59 of 425 LEAs) that are not eligible under the SRSA program.

As we have indicated in previous letters to the U.S. Department of Education (USED), Montana is a highly rural state composed predominantly of very small school districts. Montana's rural character is exemplified through the comparison of the 2008 percentages of LEAs participating in the SRSA program in the following states: Montana, 84 percent; Wyoming, 39 percent; South Dakota, 73 percent; Idaho, 39 percent; and Nebraska, 72 percent. Eighty-four percent of Montana's school districts qualify for funding under the SRSA program. The median size of our high schools on a statewide basis is 111 students. Fewer than 20% of our high schools have more than 400 students. Montana does not have any large city school districts. Given the relatively small numbers of students to be served, the financial resources available, and the pool of new teachers available to serve in our rural state, hiring secondary level teachers to teach multiple academic subjects is a necessary fact of life, not only in our most rural districts, but in districts throughout the state. It is often the only responsible educational option for ensuring that academic subjects in our high schools are taught by competent teachers.

Consistent with USED's flexibility policy of March 31, 2004, the policy and practice in Montana (albeit on a statewide basis) have been to prepare and hire new secondary level teachers to teach multiple core academic subjects if the teachers are highly qualified in at least one academic

"It is the mission of the Office of Public Instruction to improve teaching and learning through communication, collaboration, advocacy, and accountability to those we serve."

subject that they teach, and the teachers have three years to meet the definition of highly qualified in other subjects they teach. Also consistent with this policy, Montana requires that these teachers receive high quality professional mentoring or intensive supervision so that they meet the definition of HQT in each of these additional academic subjects. Montana's policy goes beyond USED's flexibility policy in assuring content knowledge in each academic subject by requiring the teacher to possess a minor or equivalent preparatory course work in each of the additional subjects they teach. This has been an effective way to meet the practical needs of Montana's secondary schools to hire new teachers to teach multiple subjects, while also assuring teachers' content knowledge in each of those additional subjects.

For over 30 years the Montana Board of Public Education has regulated teacher education program standards. These standards establish core content knowledge requirements for each area of teaching endorsement. Implementation of these standards is monitored by the Office of Public Instruction in all public and private colleges and universities that provide teacher preparation programs. Effectively, for over 30 years, Montana has had a standards-based system for teacher preparation that requires core subject knowledge in each area of endorsement. This important legacy is built on a system that assures that all teachers have core content subject knowledge prior to being recommended for licensure and endorsement in any subject area.

We submit that our request for flexibility does not, in fact, water down teachers' competence in subject matter knowledge and teaching ability in each of the subjects they teach. To be recommended as qualified to teach in any core content subject requires evidence of competence in core subject matter through demonstration of specific skills that are established in the Professional Educator Preparation Program Standards (PEPPS). This process effectively guarantees that all teachers, whether they have taken a "major" or a "minor," are competent in core subject matter consistent with established state standards. In terms of core subject matter competence, a "minor" and a "major" are held to the same threshold of core subject matter competence.

However, in a monitoring report issued May 22, 2008, USED advised Montana's Office of Public Instruction (OPI) that a minor could not be considered to involve coursework equivalent to a major for purposes of deeming a teacher to be highly qualified to teach a core academic class in that subject. Assuming for purposes of this request that USED's finding is correct, we believe strongly that the flexibility embodied in this request is necessary to address the finding prospectively, consistent with the challenges we and our school districts face in staffing our schools and meeting the needs of Montana's secondary school students.

As noted above, eighty-four percent of Montana's school districts are eligible under the SRSA program and qualify for the flexibility proffered in USED's letter of March 31, 2004. Given the common pool of prospective teachers available to schools in districts throughout the state – and the need in all our districts to hire secondary level teachers who teach multiple subjects – it does not make sense and is impractical to apply different HQT standards to the small percentage of our secondary level teachers who teach multiple subjects in schools that are not eligible under the SRSA program. The teacher preparation programs in Montana higher education institutions prepare students to teach in all of Montana's districts. Secondary school teacher candidates are prepared on the same basis, with many opting to pursue academic content minors in addition to

their major, making them more employable given the immense demand in Montana for teachers with multiple content area endorsements. A federal policy that gives these new teachers three years to establish their HQT status in subjects other than their major in 84% of our districts, but would require these same teachers to be treated from the time of hiring as not HQ if hired in other districts within our state, distorts teacher hiring incentives and opportunities across districts in our state; misaligns our teacher preparation approach with mandatory hiring policies for our relatively more populous districts; and may exacerbate Montana's existing teacher shortages, particularly in the more populous districts. These districts, like their smaller counterparts, have no choice but to employ new teachers with multiple endorsements to teach multiple subjects. They need flexibility to assign teachers in a way that makes educational sense for them to administer effective and efficient schools.

It should also be pointed out that the structure of Montana's teacher education program standards invites the opportunity for teachers to be core subject matter competent in multiple subject areas. This adds value to the quality of their instruction by providing the knowledge necessary to integrate content across the curriculum. Students have the opportunity to see the connection between any particular curriculum content and how it applies in multiple settings. This integrated approach to curriculum facilitates learning as evidenced by Montana student performance on the NAEP.

Absent positive action on this flexibility request, we expect that these districts will be unable to hire many promising new teachers who have majors in a core academic subject and minors in other core academic subjects. Many may leave the state or take other jobs, with the result that districts will have to hire teachers in their place who are less qualified, simply to cover classrooms. In recent surveys, 73 % of teachers prepared in Montana teacher education programs accepted teaching positions in other states. Indeed, without the requested flexibility, many of our prospective teachers will have less incentive to minor in a subject in addition to their major; they will be less prepared to meet the needs of Montana's schools for teachers to teach multiple subjects. We have no doubt that the result will be less effective instruction for our secondary school students.

Accordingly, OPI respectfully files this application for flexibility under the terms of Section 9401 of the Elementary and Secondary Education Act, to permit Montana to extend the above-referenced flexibility policy for SRSA-eligible districts to all Montana school districts. The SRSA flexibility policy is in effect an exercise of the Section 9401 authority on a nation-wide basis. Our request asks for a very limited extension of that policy, fully consistent with the purpose of that policy, in the context of a single, predominantly rural, state. The request is designed to avoid a misalignment between essential teacher preparation practices and teacher hiring practices for secondary school teachers in the small number of districts ineligible under the SRSA, which would further exacerbate teacher shortage problems in Montana, as described above. Thus, approval of this request would improve academic achievement for students in Montana. This request for flexibility relates to applicable requirements in Section 1119(a) and 9101 (23) of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act, and implementing regulations in 34 CFR 200.55-57

We should be clear that this flexibility request is in no way a matter of gaming the HQT definition or seeking to water down teacher qualifications by having teachers teach multiple subjects where they may not have the same level of preparation as in their primary subject. Rather, the state and its LEAs are acting in good faith to hire the best qualified teachers that we are able to prepare and recruit to fulfill these teaching responsibilities. In our capacity as the principal stewards for ensuring educational achievement for all of Montana's students, both OPI and Montana's local educational agencies have made a fundamental policy judgment that these new teachers are highly competent to carry out the teaching functions for multiple core academic subjects that they, of necessity, are expected to bear.

The OPI's policy judgment is that in those circumstances where secondary school teachers need to teach multiple academic subjects, they should have additional years to establish HQT status in each core academic subject they teach – provided they have a major in one of the subjects they teach; have a minor in the other subjects; and receive close monitoring, mentoring, and training in each subject where they have not majored. That policy judgment is four-square with USED's flexibility policy as embodied in its March 31, 2004, letter. That letter expressly reflects a judgment that federal HQT requirements need to accommodate the practical necessity for new teachers in rural school districts to teach multiple subjects and the impracticality of expecting that those teachers will have completed multiple majors. The implicit assumption in USED's March 31, 2004, policy is that it should not be necessary for secondary teachers to teach multiple subjects in larger school districts and, therefore, to provide flexibility in those circumstances. That assumption simply does not reflect the reality in Montana, as explained above.

This request does not implicate our annual educational goals for the state and for LEAs and schools in the state, which are to improve student achievement and close achievement gaps based on race, national origin, income status, and other factors, consistent with Section 1111(b) of the ESEA. Nor does it change the student populations that will be served under ESEA programs or requirements contained in the ESEA. The request would assist LEAs in accomplishing those goals by permitting the most effective means that we have identified for meeting the staffing needs for highly competent secondary teachers who are needed to teach multiple academic subjects in schools throughout our state and mitigating secondary school teacher shortages faced by Montana LEAs.

The Office of Public Instruction provided information about this request to all LEAs in the state with a request for any comments by July 25, 2008. We will submit any comments we receive to the Secretary. We also provided notice today, July 14, 2008, to the public concerning this request.

We would be happy to discuss this request with officials or staff of USED. Thank you for your consideration.

Sincerely,
Linda McCulloch

Cc: Ray Simon
Kerri Briggs
Jim Butler
Elizabeth Witt
Senator Max Baucus
Senator Jon Tester
Representative Dennis Rehberg
Senator Edward Kennedy
Senator Michael Enzi